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LOK SABHA

The following Report of the Select Committee on the Bill to further amend the Banaras Hindu University Act, 1915 was presented to Lok Sabha on the 27th August, 1958:—

Composition of the Select Committee

1. Sardar Hukam Singh—*Chairman.*
2. Shri Banarasi Prasad Jhunjhunwala
3. Shri Satyendra Narayan Sinha
4. Shrimati Jayaben Vajubhai Shah
5. Shri Radha Charan Sharma
6. Shri C. R. Narasimhan
7. Shri R. Govindarajulu Naidu
8. Shri T. R. Neswi
9. Shri Hiralal Shastri
10. Shri Tribhuan Narayan Singh
11. Shri Sinhasan Singh
12. Shri Atal Bihari Vajpayee
13. Pandit Munishwar Dutt Upadhyay
14. Shri Birbal Singh
15. Pandit Krishna Chandra Sharma
16. Shri Nardeo Snatak
17. Shri Mahavir Tyagi
18. Shri N. G. Ranga

19. Shri N. R. Ghosh
20. Shri Nibaran Chandra Laskar
21. Shri T. Sanganna
22. Shri Prakash Vir Shastri
23. Shri Prabhat Kar
24. Shri T. Nagi Reddy
25. Shri Braj Raj Singh
26. Shri J. M. Mohamed Imam
27. Shri Jaipal Singh
28. Shri Frank Anthony
29. Shri Surendra Mahanty
30. Shri R. K. Khadilkar
31. Shri H. C. Dasappa
32. Shri Khushwaqt Rai
33. Shri Asoke K. Sen.

DRAFTSMEN

Shri G. R. Rajagopaul, *Secretary, Legislative Department,
Ministry of Law.*

Shri N. Swaminathan, *Deputy Draftsman, Ministry of Law.*

SECRETARIAT

Shri A. L. Rai—*Under Secretary.*

Report of the Select Committee

1. The Chairman of the Select Committee to which the Bill further to amend the Banaras Hindu University Act, 1915 was referred, having been authorised to submit the report on their behalf, present this their Report, with the Bill as amended by the Committee annexed thereto.

2. The Bill was introduced in the Lok Sabha on the 11th August, 1958. The motion for reference of the Bill to a Select Committee was moved by Dr. K. L. Shrimali on the 14th August, 1958, discussed in the House on the 14th and 16th August, and adopted on the 16th August, 1958.

3. The Committee held 6 sittings in all.

4. The first sitting of the Committee was held on the 18th August, 1958 to draw up a programme of work. The Committee at this sitting decided to hear the evidence of Pandit Govind Malaviya, M.P.

5. At the second sitting held on the 19th August, 1958 the Committee heard the evidence tendered by Pandit Govind Malaviya, M.P.

6. Certain documents and papers were circulated to the Committee. The Committee append three of the documents to this Report.

7. The Report of the Committee was to be presented by the 22nd August, 1958. The Committee were granted extension of time on the 22nd August, 1958 upto the 27th August, 1958.

8. The Committee considered the Bill clause by clause at their sittings held on the 19th, 20th, 21st and 22nd August, 1958.

9. The Committee considered and adopted the Report on the 25th August, 1958.

*Published in Part II, Section 2 of the Gazette of India, Extraordinary, dated the 11th August, 1958.

10. The observations of the Committee with regard to the changes proposed in the Bill are detailed in the succeeding paragraphs.

11. *Clause 2.*—The amendment made in this clause is of a drafting nature.

12. *Clause 5.*—The Committee consider it desirable to fix a time-limit of two months for the Visitor to exercise his powers under the proposed sub-section (6) of section 18, and if the Visitor does not act within that period, the Ordinance should be deemed to have been approved by him.

The Committee similarly feel that, in the proposed sub-section (7) of section 18, the period specified should be raised from 'one month' to 'two months'.

The clause has been amended accordingly.

13. *Clause 7:*

Proposed Statute 14.—The Committee are of the opinion that the Pro-Chancellor should also be a member of the Court. The new item (b) added in clause (1) of this Statute makes the necessary provision.

The other amendments made are of a drafting nature.

Statute 18.—The Committee are of the view that the powers of the Executive Council under this Statute should be exercised subject to the control of the Visitor.

Necessary amendment has accordingly been made in this Statute.

Proposed Statute 29.—The Committee consider that the composition of the Selection Committee should be specifically laid down in this Statute. The Committee have accordingly amended the Statute specifying the composition of this body.

Proposed Statute 30.—After careful consideration the Committee have amended the provision regarding the Screening Committee proposed in the Bill. Under the revised procedure, instead of the Screening Committee itself examining the cases, the Executive Council would forward to the Solicitor-General such cases where it has reason to believe that the continuance in office of the persons concerned would be detrimental to the interests of the University. The Solicitor-General on being satisfied that a *prima facie* case exists would forward the cases to the Screening Committee (now called the Reviewing Committee) which, after such investigation or

enquiry as it may consider necessary, would make its recommendations to the Executive Council for further action. Suitable provision has also been made in respect of cases of complaints against members of the Executive Council.

Statute 42.—The Committee feel that instead of deleting the Statute, it would be sufficient if the provision entitling the registered donors to vote alone were omitted.

Necessary amendment has accordingly been made in this Statute.

14. The Committee in the end wish to state that in their deliberations they have kept in view the assurance given by the Minister of Education that the present Bill was meant to be a temporary measure and that a more comprehensive legislation would be brought forward by Government at an early date after a thorough examination of the entire question. The Committee hope that all the necessary steps would be taken to bring forward the promised legislation within a reasonable period.

15. The Committee recommend that the Bill as amended be passed.

NEW DELHI;
The 27th August, 1958.

HUKAM SINGH,
*Chairman,
Select Committee.*

Minutes of Dissent

I

The report of the Banaras Hindu University Enquiry Committee, on which the present Bill is based, makes painful reading. According to the Report, the Banaras Hindu University, which was meant to be the "temple" of Hindu Renaissance, has ended in a neo-Tammany Hall of "teacher-politicians" and "professional students". Some have questioned the findings and conclusions of the Committee, but none convincingly. Even the letter of Shri Govind Malaviya, an ex-Vice-Chancellor, dated the 5th October, 1951, to the Visitor, corroborated many of the findings of the Committee. According to Shri Malaviya, the atmosphere in the Banaras Hindu University was such that "no decent man could continue" there. Thus, there was a clear need for effecting radical changes in the functioning of the University.

2. But the manner in which the Government have tackled this problem has provoked much bitterness and controversy. It is indeed unfortunate that the Government had to promulgate an Ordinance on the 14th June, 1958 to remedy the deterioration in the affairs of the University. I am strongly of the opinion that promulgation of an Ordinance in respect of an academic institution betrays lack of a sense of proportion and could have been avoided, had Government been more mindful of their responsibility.

3. It cannot be said that only the Mudaliar Committee woke up the Government to the reality of the situation. Since 1948, Vice-Chancellor after Vice-Chancellor had brought these serious malaises in the body of the University to the notice of the Government. It really baffles one's understanding as to why the Government thought it fit not to move even a small finger in the matter and suddenly rushed to issue an Ordinance. In fact as the Report suggests, the Government had put premiums on the unacademic academicians of the University, by decorating a certain Professor with Presidential Award, even though his conduct in a particular matter was discussed and noticed by the Railway Enquiry Committee.

4. The present Bill, however, does not touch even the fringes of the problems that beset this Central University. It is more penal in

nature than reformative. Even though the Select Committee has considerably improved the original provisions for a Screening Committee by substituting it with a Reviewing Committee with a modicum of procedure, still it remains there casting its grim "criminal court", like shadow over the whole University. Instead of allowing the sore to fester, it would have been better if disciplinary action could have been taken forthwith against persons against whom *prima facie* charges of a grave nature existed and were sustained.

5. Even though the Bill has been inspired by the Mudaliar Committee, it has made serious departures from the recommendations of the Committee for which no reasons whatsoever have been offered by the Government. Under the present Bill the Court of the University has been reduced to an advisory body of nominated persons with the object of avoiding "acrimonious discussion" and "party politics" from creeping into the Court which was cast in the frames of "the supreme governing body of the University". The remedy proposed is like bcheading a person for curing his headache. The Mudaliar Committee's recommendation in this regard was both fair and well considered. The Committee has recommended "to impose the condition that any such act cannot be overruled unless by two-thirds majority.....and only when the relevant Statutes, Regulations or Ordinances are brought up for consideration or when there is a definite official item on the agenda pertaining to the decision arrived at by such bodies". As to the composition of the Court, the Committee's recommendations were directed at reforming the Body while retaining its elected character and, towards that end, the Committee recommended for adopting the proportional representation with the single transferable vote. The University being a Central one, the Committee had rightly recommended that the composition of the various bodies "should reflect the characteristics of a Central University". But the present Bill has practically ignored these recommendations, for which no reasons have been offered.

6. It has been repeated time and again that the present Bill is a temporary measure and that the Government would in good time introduce a comprehensive measure in this regard. Personally, I have a premonition that this legislation is likely to linger on the Statute Book for a not-too-small period. It would have been more honest, and forthright under the circumstances, to have suspended the authority of the University for the time being and vested its affairs in a Strong Committee, as suggested by the Mudaliar Committee.

7. While, therefore, I am in agreement with the basic objective of the Bill, I am opposed to its pattern. I hope and trust the Government will lose no time in introducing soon a more comprehensive and radical measure to ensure that the Central University of India truly reflects the all-India character, the secular ideal and the democratic aspirations of the Nation in their functioning.

NEW DELHI;

The 25th August, 1958.

SURENDRA MAHANTY

II

I regret I cannot agree with the Report of the Select Committee on the Banaras Hindu University (Amendment) Bill as it is presented to the Parliament. In paragraph 14 of the Report the assurance given by the Minister of Education that the present Bill was meant to be a temporary measure and that a more comprehensive legislation would be brought forward by the Government at an early date is specifically mentioned. Along with this assurance it would have been proper to put on record a feeling shared by many members of the Committee that it would be difficult to achieve the objective of the Bill unless Government consider the desirability of relieving the present Vice-Chancellor and the Treasurer of their responsibility simultaneously with the enactment of this measure. Whether rightly or wrongly from all accounts it is contended by some sections in the University that continuation of the Vice-Chancellor and the Treasurer would lead to persistence of the prevailing feuds. In fact it would fail to achieve the desired results. Even now therefore I would like the Government to give their serious thought to this question and see that Vice-Chancellor and Treasurer be soon relieved of their offices in the Banaras Hindu University.

Coming to the Bill proper, in my opinion, it would have been in keeping with the purpose of this drastic measure if the court of the University had been kept in abeyance for a while till a comprehensive legislation of a permanent nature is enacted. But the Government has decided to continue the court as an appendage with nominal advisory powers. It would have been far better if the Government had entrusted the work of eradicating all the alleged evils that have brought about the present deplorable situation giving full authority to the new Vice-Chancellor and the Executive Council.

As it is, in section 7, sub-section 3, of the Bill statute 14 of the University is substituted by a new one. In this new statute representation is given to departments, colleges, teachers as well as old students of the University. In the context of the prevailing situation which necessitated the promulgation of the ordinance drastically curtailing the powers of the court, in my opinion, it would be all the more desirable to keep all such persons connected with the University in some way or the other from being represented on the Court. Anyone of the representatives from whatever category would be a suspect in the eyes of those who are supposed to be

in the rival group. In a faction-ridden atmosphere of the University it would be to the advantage of all concerned to keep away for the time being representatives of the departments, colleges, teachers as well as old students of the University. As the Court is primarily concerned with the administrative affairs of the University it would do no harm to the academic life if these representatives are kept out of the picture for the time being.

I would therefore submit that these three categories of representation provided in the substitute statute should be deleted.

Instead I would like to increase the representation provided for the Parliament. In the Bill there is a provision for three nominations from both the Houses. I would suggest that this number be raised to nine—six from Lok Sabha and three from Rajya Sabha. I would further like to have them elected rather than being nominated as provided in the Bill.

It is unfortunate that Government had exercised all its powers of nomination before the present Bill has received the sanction of the Parliament. It is very difficult now to suggest a change in what already has been done. I would however urge that, while exercising the power of nominations in future, due consideration should be given by providing representation, as far as possible, for all regions so as to further strengthen the all-India character of this great institution.

NEW DELHI;

R. K. KHADILKAR.

The 27th August, 1958.

III

The Bill seeks to replace the Ordinance promulgated by the President on the 14th June, 1958 in pursuance of the recommendations made by the Mudaliar Committee. It was not within the scope of the Select Committee to verify the facts given in the Mudaliar Committee Report. The veracity of most of these facts has been questioned in the Lok Sabha by several members and some of these have been challenged as gross mis-statements. Even the Education Minister in his speech in the Lok Sabha on the 14th and 16th August, 1958, had to admit that "there may be some minor factual errors which may have crept into the body of the Report." Nor was it possible for the Select Committee to collect new evidence to get a clear idea of the situation indicated by the Mudaliar Committee and to judge for itself whether the provisions of the Bill would be effective enough to meet that given situation.

No doubt, the Bill as it has emerged from the Select Committee is an improvement upon the original draft, particularly the provisions relating to the Screening Committee which has been replaced by a Reviewing Committee and the Solicitor General to the Government of India has been brought in to ensure that only the guilty are punished and not the innocent ones.

Still the Bill needs quite a few improvements and certain provisions require clarification. Hence this note of dissent.

The Court

Under the old Act, the Court was the "Supreme Governing Body". But now its status has been reduced to that of an advisory body only. The question which arises is as to which agency have the functions and powers of the supreme governing body now been assigned to? Is it to the Executive Council or is it to the Ministry of Education working through the visitor. If it is to the former it should have been explicitly made clear and a clause to that effect should have been added.

Under the present Bill the membership of the Court has been considerably reduced and an impressive galaxy of persons from all over India have been nominated to it. It is, however, extremely doubtful if they will meet even once a year and will play any effective role or have any material influence in the administration of the Varsity.

As regards the composition of the Court, I regret to say that the Select Committee did not favour the suggestion that representation be given to the donors, who had a place of pride under the statute. The Hindu University has been built up by the generosity and philanthropy of the public and even now out of its total budget of Rs. 2,01,65,126 the Government grants both Central and State amounts to Rs. 55,19,515 only, which the rest is drawn from public charities. It would have been in the dithness of things that donors should have been taken on the Court.

Under the old Act members of Parliament on the Court were to be elected, but under the proposed enactment they are to be nominated by the Speaker of the Lok Sabha and the Chairman of the Rajya Sabha. This, obviously, is a retrograde change, and, cannot, be justified. Even while conceding that this is an emergency measure, and that all elections within the 'Varsity have been held up, one cannot but feel that the change over from election to nomination in the case of Members of Parliament smacks of a lack of faith in the Parliament to elect proper persons.

Under the old Act, the Court used to have representatives of Vedic, Buddhist, Sikh and Jain culture and Learning but now they have been given the go-by. Mahamana Pt. Malviyaji founded the Hindu University to promote Hindu Culture and to spread the message of the vedas and the shastras with its door open to all races and classes, castes and creeds. The spirit in which Mahamana Malviyaji founded the University ought to have been respected by including the representatives of Hindu culture and learning on the Court. Anyhow, I hope, these shortcomings will be rectified when a permanent Bill is brought forth.

The Executive Council

As regards the Executive Council, the nominated members have been taken from all over India and there is no doubt that these are from amongst the best available persons. But the difficulty is that they will come for a few hours to attend the meeting of the Council and will go away and it is extremely doubtful if they will be able to have first hand knowledge about the affairs of the University. In the old Council there were a few *ex-officio* members who knew everything about the University having been there for several years. It will be highly desirable if by rotation or convention a member of Parliament from the region in which the University is situated, included in the seven persons nominated by the Visitor.

The next question is about the Chairmanship of the Executive Council. The Chairman, I feel, should be appointed by the Visitor from amongst the members nominated as is the case at Kharagpur.

The persons nominated to the Council are generally of so high a status that they may find it a little embarrassing to sit under a very junior Vice-Chancellor. The Vice-Chancellor ought certainly to be a nominated member of the Council, but the Chairmanship of the Council should not *ipso facto* devolve upon him. The choice of this office, I feel, should rest with the Visitor and he may nominate any one from amongst the Council members to this august post.

The new personnel of the Council will have a great influence on the students as well as the teachers and will improve matters. The appointment of a non-controversial Chairman of the Council, I hope, will have a tremendous impact on the minds of the people. The appointment of the same person as the executive head whose Executive Council has been held responsible for mismanagement will defeat the very objects of the Bill.

The Selection Committee

The only change made by the Bill in the Selection Committee is that the powers of selecting experts have been given to the Executive Council instead of the Standing Committee of the Academic Council. This, I hold, is not an improvement. The reasons are obvious. The University has got more than 50 or 60 subjects and has to make appointments in all these subjects. A Council of 8 persons, however able they may be, is not expected to know the names of experts in all these subjects and has to depend upon expert advice. The Council meets once a month and sometimes in one meeting it has to appoint experts for 15 or 20 posts. This will mean 50 or 60 experts. It is extremely difficult to imagine that the members of the Council will come prepared with all these names. So in actual practice it will be the Vice-Chancellor who will dictate the names of these experts and thus it will be a decision of the Vice-Chancellor and not of the Executive Council. It is, therefore, essential that the Council should be given expert advice on the selection of the personnel for acting as experts. This advice can be better given by the Academic Council in which are included professors of all the subjects. As the Academic Council appoints other bodies, it may very well appoint for the year a panel of experts for each subject and the Executive Council may select experts out of that panel.

As regards the appointment of a professor, the Bill provides that apart from the Vice-Chancellor and the Pro-Vice-Chancellor, the Executive Council may nominate three persons "who have special knowledge of or interest in the subject". One fails to appreciate how having interest in any particular subject can qualify anyone to being able to appoint professors in that subject. Any graduate can

have interest and very deep interest at that—in a subject but he cannot be deemed fit enough on this score to appoint lecturer. This provision needs amendment so that professors may be appointed on the advice of persons who have special knowledge of and not mere interest in that particular subject.

Concluding, I would like to express the hope that it will not be long before the Government comes forth with a permanent statute to replace the present one. The present measure is an emergency one and it should be scrupulously treated as such. The Government should also take note of the fact that in the minds of a large number of well-wishers of the Hindu University a strong misgiving persists that in order to end factionalism in University affairs, the Government is unwillingly helping to perpetuate the control of one particular faction. It would be well if the Government appreciates that this misgiving is not without foundation and takes steps to remove it.

NEW DELHI;

The 27th August, 1958

ATAL BIHARI VAJPAYEE

IV

Even conceding that the situation in the Banaras Hindu University has deteriorated beyond imagination and agreeing that suitable steps are necessary to set matters right, we are of the opinion that the medicine prescribed will not cure the disease and the way it has been administered will leave enough room for doubt.

An Ordinance can be promulgated in an urgency when the Parliament is not sitting and that emergency was not foreseen. In this case, the affairs of the Banaras Hindu University were known to the Government for a long time and the Government by their inaction allowed the situation to further deteriorate. Between the 10th of May and the 11th August, 1958, nothing extraordinary occurred necessitating the promulgation of this Ordinance.

The sorry state of affairs of the Banaras Hindu University were in existence for the last six or seven years or even more, and these were known to the Government from the various reports that they have been receiving from the Vice-Chancellors of those periods. Therefore, the Government should be held responsible for not taking proper steps at the right moment to check the growing indiscipline and factionalism.

We are not convinced that the situation did develop between May and August to such a state that the promulgation of an Ordinance can be justified.

We fail to appreciate also the way the whole affair has been handled by the Government, even after the promulgation of the Ordinance. It was not necessary to hurriedly nominate personnel of the Court and other bodies other than the Executive Council. Excepting the Executive Council, the other two bodies had no function for the present and in fact these bodies did not meet during these days. We disapprove of the procedure of the Government of coming before the Parliament after completing every action and to demand an *ex post facto* sanction from the Parliament.

Under any circumstances, this state of emergency must end at the earliest. It is imperative that a comprehensive legislation should be brought to put the Banaras Hindu University in order. A specific date should be announced to allay the apprehension of the people who genuinely believe that the Government is attempting to run the University as a Government department.

Coming to the provisions of the Bill, we are of the opinion that this being a temporary measure under extraordinary circumstances, it is not necessary to have a Court with nominated members as an advisory body. We therefore strongly feel that section 2 of the Amending Bill should have been amended to read: "Section 9 of the Banaras Hindu University Act 1915 be deleted". We are further of the opinion that in case it is felt necessary to keep the Court, the number of members of Parliament should be increased and they should be elected by the Parliament.

We also think that the Banaras Hindu University being an All India University the Court should include one member from each State Legislature. It is our considered opinion that in the existing state of affairs, no member of the teaching staff should be included in the Court as it would help only in giving a fillip to the existing faction. Those members of the teaching staff who will be included in the Court would be unfortunately drawn into the vortex of power politics.

We are of the opinion that the Selection Committee should not include any member of the Executive Council, as the Executive Council will have an opportunity to deliberate over the recommendations of the Selection Committee. We are glad that the clause for the formation of the Screening Committee has been improved to a great extent and we hope that this clause will not be used as a handle to terrorise the teaching staff and shall not become a plea to victimise those who hold differing opinions.

This University has a long patriotic history and it is our desire that it should develop into a modern University. To fulfil the desire of the founder of the University, and of the public in the country, it is our suggestion that the Government would appoint a Committee of the members of Parliament of all shades of opinion to go into the question of amending or if necessary re-drafting the existing Banaras Hindu University Act and report to the Parliament at the latest within one year.

NEW DELHI;

The 27th August, 1958.

PRABHAT KAR.

T. NAGI REDDY.

V

We append this Minute of Dissent as our efforts to make the Committee agree to our suggestions and proposals did not succeed.

University autonomy has been respected all over the world since time immemorial. India too has not been an exception to this, even amongst adverse circumstances. Even the foreign rulers could not dare lay their hands on University autonomy in India while they were being fought against in India even for their very existence in the country. Even during the memorable days of 1942, Banaras Hindu University's affairs could not be managed by them against the then Act, Statutes and Ordinances. It is in this context that we appeal to the Committee not to allow the Government to lay their hands on the autonomy of this University. We are sorry we could not succeed in converting the Committee to our views.

We would have liked the character of the old Court to remain intact. The Court is a body which meets only once in a year. If the assurance of the Hon'ble the Prime Minister was to be fulfilled i.e. the bringing forward of the permanent law about this University within six to eight months—it may be that the Court may not even meet once within this period. But even in these circumstances the Committee did not think it fit to leave the old court intact. We, in the alternative, would have liked to retain the function of the old court to remain intact—"the Supreme Governing Body of the University etc." In our view, there would be no danger of any sort from a Court which is to be purely a nominated body composed as it is to be of the best available educationalists of the country. Then, in the alternative, we would have liked that donors, who were promised at the time of receiving their donations for the growth of the University that they shall be life members and their character as such would be recognised by law framed thereafter, would have been retained as members of the Court for the remaining period of their life. This would have gone a long way to fulfil the assurances of the founder of the University also. Then about the composition of the proposed Court in the Bill. It was suggested that there would be some nine members of Parliament on the Court of the University under the proposed Bill. We would have liked this number to be raised to 12. eight from Lok Sabha and four from Rajya Sabha, all to be elected by the respective Houses. We resent very much nomination of any member of Parliament by the Government or any body whatsoever.

If the nomination as such was to be retained, it could have been done by the Speaker of Lok Sabha or the Chairman of Rajya Sabha, as the case may be. This would have been in consonance with the spirit of the conventions recently established about members of Parliament with respect to their serving on bodies outside Parliament and also in conformity with proposed Parliament (Prevention of Disqualification) Bill. This in our view would have gone a long way to set the matters in the University right.

We concede that there has been a slight improvement with regard to Selection Committee and the Screening Committee over the provisions of the draft Bill. We would have liked the Screening Committee not to have been born at all. The Committee have put the "old wine in the new bottle" although in a diluted form by changing the name of the Screening Committee to the Reviewing Committee and making provision for the Solicitor-General to the Government of India to come into the picture in between the Reviewing Committee and the Executive Council. Our view is that in the measure of six to eight months duration such a drastic provision which would create an atmosphere of fear amongst the University staff should not be there. This provision would affect even those who might have worked for the development of the University with the Founder during the early days of the University. But we concede that the improvement over the draft provision with regard to the Screening Committee is a right step to set the matters in the University in order. We would have gone a step forward and liked that instead of one High Court Judge in the Reviewing Committee there would be two Judges of the requisite status.

Since the promulgation of the Ordinance it has been in the air—however unfounded it might be—that the present Vice-Chancellor is responsible for the present state of affairs in the University. We would only like to emphasise that the Government would take very seriously this factor into consideration while changing the future set-up of the University, and if by requesting one person to relinquish charge of the University, matters can be set right that would be tried and put into action.

NEW DELHI;

The 27th August, 1958.

BRAJ RAJ SINGH
KHUSHWAQT RAI.

Bill No. 82-A of 1958.

THE BANARAS HINDU UNIVERSITY (AMEND-
MENT) BILL, 1958

(AS AMENDED BY THE SELECT COMMITTEE)

(Words side-lined or underlined indicate the amendments suggested
by the Committee; asterisks indicate omissions)

A

BILL

further to amend the Banaras Hindu University Act, 1915.

BE it enacted by Parliament in the Ninth Year of the Republic
of India as follows:—

1. This Act may be called the Banaras Hindu University (Amend- Short
ment) Act, 1958. title.

16 of 1915.

5 2. For section 9 of the Banaras Hindu University Act, 1915 (here- Substitu-
inafter referred to as the principal Act), the following section shall tion of
be substituted, namely:— new sec-
tion for
section 9.

“9. The * * * functions of the ~~The~~ Court.
Court shall be—

10 (a) to advise the Visitor in respect of any matter which
may be referred to it for advice;

(b) to advise any authority of the University in respect
of any matter which may be referred to the Court by such
authority; and

15 (c) to perform such other duties and exercise such other
powers as may be assigned to it by the Visitor or under this
Act.”

Insertion
of new
section
12A.

3. After section 12 of the principal Act, the following section shall be inserted, namely:—

Proceed-
ings of
University
authorities
or bodies
not to
be invali-
dated by
vacancies,
etc.

"12A. No act or proceeding of any authority or body of the University shall be invalid by reason only of the existence of any vacancy among its members or any defect in the constitution thereof."

Amend-
ment of
section
17.

4. In section 17 of the principal Act, for sub-sections (3), (4), (5), (6) and (7), the following sub-section shall be substituted, namely:—

"(3) The Executive Council may, from time to time, make new or additional Statutes or may amend or repeal the Statutes; but every new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the previous approval of the Visitor who may sanction, disallow or remit it for further consideration."

Amend-
ment of
section
18.

5. In section 18 of the principal Act, for sub-sections (5), (6), (7) and (8), the following sub-sections shall be substituted, namely:—

"(5) Where the Executive Council has rejected the draft of an Ordinance proposed by the Academic Council, the Academic Council may appeal to the Visitor who may pass such order thereon as he thinks fit."

(6) All Ordinances made by the Executive Council shall be submitted, as soon as may be, to the Visitor who may within two months from the date of receipt thereof disallow any such Ordinance or remit it to the Executive Council for further consideration."

(7) The Visitor may, by order, direct that the operation of any Ordinance shall be suspended until he has had an opportunity of exercising his power of disallowance, and any order of suspension under this sub-section shall cease to have effect on the expiration of two months from the date of such order."

Amend-
ment of
section
19.

6. In section 19 of the principal Act, the proviso to sub-section (3) shall be omitted.

Amend-
ment of
Statutes.

7. The Statutes of the University shall be amended as follows:—

(i) in clause (2) of Statute 4 and clauses (2) and (3) of Statute 6, the words "at the next annual meeting of the Court" shall be omitted;

(ii) in Statute 12,—

(a) clause (2) shall be omitted;

(b) in clause (5) (a), the words “and the Court” shall be omitted;

5 (iii) for Statute 14, the following Statute shall be substituted, namely:—

“14. (1) The Court shall consist of the following mem- The court.
bers, namely:—

(a) the Chancellor, *ex officio*,

10 (b) the Pro-Chancellor, *ex officio*,

(c) the members of the Executive Council, *ex officio*,

(d) two persons from the Departments and Colleges of the University, nominated by the Visitor,

15 (e) two persons from among the teachers of the University other than Professors, nominated by the Visitor,

(f) five persons from among the old students of the University, nominated by the Visitor,

(g) three members of Parliament, two to be nominated by the Speaker of the House of the People from among the members thereof and one to be nominated by the Chairman of the Council of States from among the members thereof,

20 (h) twenty-nine persons nominated by the Visitor from among persons who are men of standing in public life, or have special knowledge or practical experience in education or have rendered eminent services in the cause of education. * * * *

25 (2) Seventeen members of the Court shall form a quorum.”;

30 (iv) Statute 16 shall be omitted;

(v) for Statute 17, the following Statute shall be substituted, namely:—

“17. (1) The Executive Council shall consist of the following members, namely:— The
Executive
Council.

35 (a) the Vice Chancellor, *ex officio*,

(b) seven persons nominated by the Visitor,

(c) one person nominated by the Chief Rector.

(2) Five members of the Executive Council shall form a quorum.”;

(vi) in Statute 18,—

(a) in clause (1), for the word "Court", the word "Visitor" shall be substituted; and the words "not otherwise provided for" shall be omitted;

(b) in clause (2) (viii), the words "otherwise than by an act of the Court" shall be omitted; 5

(vii) in Statute 20, in item (i), the words "the Court or" shall be omitted;

(viii) in Statute 28, for the words "The Court, the Executive Council", the words "The Executive Council" shall be substituted; 10

(ix) for Statute 29, the following Statute shall be substituted, namely:—

Selection
Committee.

"29. (1) The Selection Committee for making recommendations to the Executive Council in respect of any appointment specified in column (1) of the Table below shall consist of the Vice-Chancellor who shall be the Chairman thereof, the Pro-Vice-Chancellor and the persons specified in the corresponding entry in column (2) of the said Table. 15 20

The Table

(1)	(2)
Professor.	Three persons not connected with the University, nominated by the Executive Council, who have special knowledge of, or interest in, the subject with which the person to be appointed will be concerned. 25
Reader. } Lecturer. }	<p>1. The Dean of the Faculty concerned with the subject with which the person to be appointed will be concerned. 30</p> <p>2. The Head of the Department concerned with the subject with which the person to be appointed will be concerned.</p> <p>3. Two persons not connected with the University, nominated by the Executive Council, who have special knowledge of, or interest in, the subject with which the person to be appointed will be concerned. 35</p>
Registrar.	Three members of the Executive Council nominated by it. 40

(2) The procedure to be followed by the Selection Committee in making recommendations shall be determined by the Executive Council.

5 (3) If the Executive Council is unable to accept any recommendations made by the Committee, it shall record its reasons and submit the case to the Visitor for final orders.”;

(x) for Statute 30, the following Statute shall be substituted, namely:—

10 “30. (1) If the Executive Council has reason to believe that the continuance in office of any person who on the 14th day of June, 1958, was holding any teaching, administrative or other post in the University would be detrimental to the interests of the University, it may, after recording briefly
15 the grounds for such belief, refer the case of any such person, together with the connected papers, if any, in its possession, to the Solicitor-General to the Government of India:

Power to inquire into the cases of certain persons connected with the University.

20 Provided that, where an allegation of the nature referred to in this sub-section relates to a member of the Executive Council who was holding any teaching, administrative or other post in the University on the said date, the Executive Council shall, without considering the allegation, refer the case of such person, together with a copy of the allegation, to the Solicitor-General to the Government of India.

25 (2) If on any such reference the Solicitor-General to the Government of India is of opinion that there is a *prima facie* case for inquiry, he shall refer the case of the person concerned to a Committee to be constituted for the purpose by the Central Government and known as the Reviewing
30 Committee, which shall consist of the following persons, namely:—

(a) a person who is or has been a Judge of a High Court nominated by the Central Government who shall be the Chairman of the Committee; and

35 (b) two persons nominated by the Central Government from among persons who have had administrative or other experience in educational matters.

(3)* It shall be the duty of the Reviewing Committee to examine the case of every person referred to it by the

Solicitor-General; and the Reviewing Committee shall, after holding such inquiry into the case as it may think fit, and after giving to the person concerned an opportunity of being heard, if he so desires, forward its recommendations to the Executive Council. 5

(4) The meetings of the Reviewing Committee shall be convened by such person as may be appointed for this purpose by the Chairman.

(5) On receipt of the recommendations of the Reviewing Committee, the Executive Council shall take such action 10 thereon as it may think fit:

Provided that when the recommendations relate to any such person as is referred to in the proviso to sub-section (1), such person shall not take part in any meeting of the Executive Council in which the recommendations are 15 considered.

(6) Before taking any action against any person on the recommendations of the Reviewing Committee, the Executive Council shall give him a reasonable opportunity of being heard.”; 20

(xi) in Statute 35, for the words “the Annual Meeting”, the word “meetings” shall be substituted;

(xii) in Statute 36, for the words “an Annual Meeting”, the words “a meeting” shall be substituted, and the words “or as a member of the Court or of the Executive Council” shall 25 be omitted;

(xiii) in Statute 42, the words “and entitled to vote at the election” shall be omitted.

Transi-
tional
provi-
sion.

8. (1) Every person holding office as a member of the Court or the Executive Council, as the case may be, immediately before the 30 14th day of June, 1958, shall on and from the said date cease to hold office as such:

Provided that where any such person held immediately before such date any other office in the University, nothing contained in this sub-section shall be construed to affect his continuance in such 35 other office.

(2) Until the Court or the Executive Council is constituted in accordance with the provisions of clause (iii) or clause (v), as the case may be, of section 7, the Visitor may, by general or special order, direct any officer of the University to exercise the powers and discharge the duties conferred or imposed by or under the principal Act, as amended by this Act, on the Court or the Executive Council, as the case may be.

4 of 1958.

9. (1) The Banaras Hindu University (Amendment) Ordinance, 1958, is hereby repealed. Repeal and saving.

10 (2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act, as if this Act had commenced on the 14th day of June, 1958.

M. N. KAUL,
Secretary.

